

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

|   |   |                                    |
|---|---|------------------------------------|
| <b>EXEL NALLS JR.,</b>                            | : |                                    |
| <b>Petitioner</b>                                 | : | <b>No. 1:16-cv-0098</b>            |
|   | : |                                    |
| <b>v.</b>   | : | <b>(Judge Kane)</b>                |
|   | : | <b>(Magistrate Judge Saporito)</b> |
| <b>SUPERINTENDENT SCI-DALLAS, <u>et. al.</u>,</b> | : |                                    |
| <b>Defendants</b>                                 | : |                                    |

**ORDER**

Before the Court in the above-captioned case is the October 25, 2016 Report and Recommendation of Magistrate Judge Saporito. (Doc. No. 15.) No timely objections have been filed. **ACCORDINGLY**, on this 30th day of November 2016, upon review of the record and the applicable law, **IT IS HEREBY ORDERED THAT:**

1. The Court adopts the Report and Recommendation (Doc. No. 15), of Magistrate Judge Saporito;
2. Petitioner Exel Nalls Jr.'s petition for federal habeas corpus relief (Doc. No. 1), is **DENIED** and **DISMISSED**;<sup>1</sup>
3. The Court declines to issue a certificate of appealability, as Petitioner has failed to demonstrate "a substantial showing of the denial of a constitutional right." 28 U.S.C. § 2253(c)(2); and
4. The Clerk of Court is directed to close the above-captioned case.

s/ Yvette Kane  
Yvette Kane, District Judge  
United States District Court  
Middle District of Pennsylvania

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<sup>1</sup> In the Report and Recommendation, Magistrate Judge Saporito observed that Petitioner's sentence was scheduled to end on November 23, 2016. (Doc. No. 15 at 5.) The Pennsylvania Department of Corrections website indicates that Petitioner is no longer an inmate at a state correctional institution. <http://www.cor.pa.gov/Inmates/Pages/Inmate-Locator.aspx> (last visited Nov. 29, 2016). Accordingly, the Court also deems the above-captioned action moot. See Leyva v. Williams, 504 F.3d 357, 363 (3d Cir. 2007) ("After a petitioner's release from custody, we consider his habeas case moot unless he can demonstrate he will suffer some collateral consequences if his conviction is allowed to stand.") (internal quotation omitted).